

**REGULAR MEETING OF CASS COUNTY BOARD OF COMMISSIONERS  
OCTOBER 3, 2016**

**1. MEETING CALLED TO ORDER**

Chairwoman Mary Scherling called the meeting to order at 3:30 PM with all members present as follows: Ken Pawluk, Rick Steen, Arland H. Rasmussen, Chad M. Peterson and Mary Scherling.

**2. PLEDGE OF ALLEGIANCE**

Heather Worden led the Pledge of Allegiance.

**3. MINUTES APPROVED**

***MOTION, passed***

**Mr. Steen moved and Mr. Rasmussen seconded that the minutes of the previous meeting be approved as written. Motion carried.**

**4. AGENDA, Order approved**

***MOTION, passed***

**Mr. Pawluk moved and Mr. Peterson seconded to approve the order of the agenda. Motion carried.**

**5. CONSENT AGENDA APPROVED**

***MOTION, passed***

**Mr. Pawluk moved and Mr. Peterson seconded to approve the consent agenda as follows: On roll call vote, the motion carried unanimously.**

- a. Approve a special event permit for RAWC, Inc. d/b/a Rookies Sports Bar and Grill to serve alcoholic beverages on October 8, 2016, during the hours of 6:00 PM to midnight for a wedding reception to be held at the Red River Valley Fairgrounds in West Fargo, North Dakota.
- b. Grant a site authorization permit to conduct games of chance under license issued by the North Dakota Attorney General's Office for the period of October 28, 2016, through October 28, 2016, for the West Fargo Hockey Association, Inc. at the Hartl Ag Building, Red River Valley Fairgrounds in West Fargo.
- c. Receive and file Indemnity Bonds on Lost Instrument for Titan Machinery, Mackoff Kellogg Law Firm, James Turner, Brown & Crouppen PC, and Rose Marie Pikalek; and authorize the county auditor and county treasurer to issue duplicate checks.
- d. Approve omitted assessments according to notices sent by the county auditor to the affected property owners.
- e. Authorize the purchase of a copier from Liberty Business Systems in the amount of \$8,865 for the County Treasurer's Office.
- f. Award bid to RDO Equipment for the rental of six motor graders at a cost of \$2,380 per month for the Cass County Highway Department.
- g. Authorize the county engineer to dispose of excess equipment at public auction.

**6. FLOOD CONTROL, State Water Commission reimbursement request approved for Metro Flood Diversion Authority**

The state legislature approved a total of \$450 million during the last three legislative sessions to be spent on flood control costs. For consideration today is the 34<sup>th</sup> request from the Metro Flood Diversion Authority for local matching share requirements outlined in House Bill 1020.

Michael Montplaisir, County Auditor, said the cost is for the payment made to the Army Corps of Engineers for the construction phase of the Fargo-Moorhead Metropolitan Area Flood Risk Management Project.

***MOTION, passed***

**Mr. Pawluk moved and Mr. Steen seconded to authorize the chair to sign reimbursement request #34 in the amount of \$22,500,000 to the State Water Commission to distribute funds to the Metro Flood Diversion Authority according to the terms and conditions of House Bill 1020. On roll call vote, the motion carried unanimously.**

**7. VOUCHERS, Approved**

***MOTION, passed***

**Mr. Peterson moved and Mr. Pawluk seconded to approve Voucher No. 295,897 through Voucher No. 296,167. On roll call vote, the motion carried unanimously.**

**8. STATE'S ATTORNEY TRIAL; OPEN MEETINGS AND OPEN RECORDS; TAX DIRECTOR OFFICE RELOCATION; NORTH DAKOTA STATE FAIR DELEGATE; FLOOD DIVERSION UPDATE, Committee reports**

Birch Burdick, State's Attorney, said Assistant State's Attorney Gary Euren retired on September 30<sup>th</sup> and was scheduled to be the lead prosecutor at a trial scheduled for October 18<sup>th</sup>. Mr. Euren has established a relationship and trust with the victim involved with the trial. Mr. Burdick said he would like to contract with Mr. Euren as a special assistant to handle the trial at \$400 per day. The board does not have any issues with the arrangement.

***MOTION, passed***

**Mr. Pawluk moved and Mr. Peterson seconded to authorize State's Attorney Birch Burdick to contract with Gary Euren as a special assistant attorney for a trial scheduled for October 18<sup>th</sup> at a cost of \$400 per day. On roll call vote, the motion carried unanimously.**

Mr. Burdick reminded the board about laws relating to open meeting notices and briefed them on the difference between public records and confidential records as outlined in state law.

Mr. Montplaisir said the Tax Director's Office is moving today to its new space in the former Commission and Administration areas on the south end of the Courthouse first floor.

Mrs. Scherling said a delegate needs to be appointed to represent the county commission at the North Dakota State Fair annual meeting, which will be held on November 17<sup>th</sup> in Minot. Mr. Peterson volunteered to serve as the delegate this year.

Mrs. Scherling said today the Minnesota Department of Natural Resources (MN DNR) released its decision to deny the dam safety and public water work permit application submitted by the Metro Flood Diversion Authority. She said the DNR recommends a "no action alternative with emergency measures" be used in place of the diversion project. She said the Diversion Authority will meet in Executive Session on Wednesday, October 5<sup>th</sup> to receive legal advice on this issue.

**9. ADJOURNMENT**

***MOTION, passed***

**On motion by Mr. Peterson, seconded by Mr. Rasmussen and all in favor, the meeting was adjourned at 3:58 PM.**

ATTEST:

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Michael Montplaisir – Auditor  
Cass County, North Dakota

APPROVED:

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Mary Scherling, Chairwoman  
Cass County Board of Commissioners